

Remarks**Status of the Claims**

Claims 1, 3, 5, 7-9 and 23-43 are pending in the application. Each of the pending claims stands rejected. Claims 31 and 32 have been amended to correct informalities noticed by Applicant. For at least the reasons set forth below, Applicant submits that each of the pending claims is patentably distinct from the cited prior art and in condition for immediate allowance. Reconsideration of all pending claims is therefore respectfully requested.

Claim Rejections

Claims 1, 3, 4, 7-9, 23-28, 30-36, and 38-43 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,282,713 issued to Kitsukawa et al. ("Kitsukawa") in view of U.S. Patent No. 6,032,130 issued to Alloul et al. ("Alloul"). Claim 29 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Kitsukawa in view of Alloul, and further in view of U.S. Patent No. 6,637,028 issued to Voyticky et al. ("Voyticky"). Claim 37 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Kitsukawa in view of Alloul, and further in view of U.S. Patent No. 5,227,874 issued to Von Kohorn ("Von Kohorn"). As set forth below, Applicant respectfully traverses these claim rejections and submits that each of the pending claims is patentably distinct from the cited prior art.

None of the cited references, alone or in combination, teach or suggest use of "context information," as recited in independent claims 1 and 23.

Independent claims 1 and 23 both recite **storing context information relating to the transaction that indicates a context of the user within the transaction.** Neither Alloul nor Kitsukawa, nor the combination of Alloul and Kitsukawa, disclose or suggest this limitation. Because Applicant has previously addressed Kitsukawa's deficiencies—and because the Examiner appears to have cited Alloul in order to overcome these deficiencies—Applicant will primarily address the deficiencies of Alloul in this regard.

As noted by the Examiner, Alloul discloses saving and deferring a partially-completed transaction. However, Alloul contains no disclosure or suggestion whatsoever for storing and/or retrieving context information. "Context information," as recited in the aforementioned claims, consists of information "that indicates a context of the user within the transaction." Examples of "context information" can be found in the pending dependent claims, including: a portion of a broadcast segment (claim 5); information previously entered by a user in connection with a transaction (claim 27); one or more URLs of websites accessed in connection with the transaction (claim 28); content retrieved from websites in connection with the transaction (claim 29); and a snapshot of the broadcast segment relating to the transaction (claim 30).

Contrary to storing and retrieving context information, as recited in the above-referenced claims, Alloul discloses merely recalling the presence of items in a shopping cart during a subsequent browsing session. See, e.g., col. 6, lines 19-21 ("Each time the customer starts the purchasing application for another browsing

session, these items are found in the personal shopping cart.”). In Alloul, this is the **only** type of data or information that is saved during a transaction and/or recalled during a recommencement of the transaction. See, e.g., col. 8, lines 34-35 (“The data **related to the products left in the shopping cart** is stored”) (emphasis added). In fact, this is the bare minimum amount of information that must be saved in order to resume a transaction at all. The items that a user has put in a shopping cart cannot, themselves, be considered “context information” because such items do not “indicat[e] a context of the user within the transaction.” These items are what make up the transaction itself, rather than providing a context of the user within the transaction.

Moreover, even if Alloul did disclose Applicant’s recited “context information,” it would not be proper to combine Alloul with Kitsukawa because there is no suggestion or motivation in Kitsukawa to incorporate the disclosures of Alloul. In fact, Kitsukawa **teaches away** from Alloul. Kitsukawa involves the deferred viewing of stored advertising information. A person who has deferred the viewing of an advertisement would not be motivated to initiate and subsequently defer a transaction relating to the advertisement. To the contrary, presumably one who has deferred viewing an advertisement has not yet been persuaded to initiate a purchase transaction. Otherwise, there would be no need for further viewing of the advertisement. Providing disclosure relating to deferral of an advertisement therefore not only wholly fails to provide motivation for deferring a transaction, but in fact teaches away from transaction deferral.

None of the cited references, alone or in combination, teach or suggest "capturing a snapshot of at least a portion of the broadcast segment relating to the transaction," as recited in independent claim 40.

The limitation of capturing a snapshot of at least a portion of a broadcast segment relating to a transaction is a species of, and is therefore wholly encompassed by, the limitation of storing context information relating to a transaction. Accordingly, for at least the same reasons recited above in connection with independent claims 1 and 23, claim 40 is patentably distinct from the cited prior art. However, in addition to those reasons, since the aforementioned limitation in claim 40 is more narrow than the corresponding limitation in claims 1 and 23, the distinctions between claim 40 and the cited prior art should be overwhelmingly apparent.

To illustrate, the Examiner cites to Figures 2, 3, and 5 of Kitsukawa for disclosing capturing a snapshot of at least a portion of a broadcast segment relating to a transaction. However, Applicant fails to understand how these figures teach or suggest capturing a snapshot of a broadcast segment. To the extent the Examiner considers Figure 5 as a whole to comprise a "snapshot," the disclosure corresponding with Figure 5 says nothing about capturing such a snapshot. Although Figure 5 appears as though it may represent a snapshot of a broadcast segment, it only does so for purposes of illustrating the advertising features of Kitsukawa. There is no teaching, suggestion, or motivation provided by Kitsukawa for capturing, storing, or retrieving the snapshot, as required by claim 40.

Moreover, even if Kitsukawa could somehow be considered sufficient to meet the limitation of capturing a snapshot of a broadcast segment, it does not do so "in

response to the command to defer the transaction," as also required by claim 40. As the Examiner has apparently conceded by supplementing the teachings of Kitsukawa with the Alloul reference, Kitsukawa does not teach or suggest deferring transactions at all. Kitsukawa therefore cannot teach or suggest capturing a snapshot in response to a command to defer a transaction. In other words, in the invention recited in claim 40, a command to defer a transaction **causes** the capture of a snapshot. Kitsukawa fails to teach deferring a transaction in the first place, and therefore most certainly does not teach capturing a snapshot in response to deferring a transaction. Although the Examiner has made no indication that Alloul meets this limitation, Applicant further notes for completeness that no such teaching can be found in Alloul either.

Conclusion

In light of the preceding remarks, Applicant respectfully submits that each of the pending claims is patentably distinct over the cited references, alone or in combination. A Notice of Allowance is respectfully requested.

Respectfully submitted,

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